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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/710,204 | 11/09/2000 | Jacobus C. Haartsen | 34650-00561USPT | 4592 |

23932 7590 05/09/2005

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| EXAMINER |
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PIZARRO, RICARDO M

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| ART UNIT | PAPER NUMBER |
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2661

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/710,204 | HAARTSEN, JACOBUS C. | |
| | Examiner | Art Unit | |
| | Ricardo Pizarro | 2661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 38-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 9, 17-36, 38-71 is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 10-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Finality of action dated 1/18/05 is hereby withdrawn

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 3/2 and 4/2 are rejected under 35 U.S.C. 103(a) as
being unpatentable over US patent No. 5,629,948 (Hagiwara).

Regarding claim 2, Hagiwara teaches a method for rapid rate detection in a packet communication environment wherein in the prior art of Fig. 1 is disclosed a first unit having a first address (ARQ transmitter 2, col 1 line 18), a second unit having a second address (ARQ receiver 4, col) , a third unit having a third unit having a third address (Transmission side data terminal 1, col 1 line 17).

Hagiwara did not specifically disclose in a single embodiment where in the first unit is operable to transmit a first packet including a first length indicator toward the second unit, and wherein at least one of the second unit is operable to receive the first packet and then is operable to upon receipt of the first packet transmits a second packet including a second length indicator, as in claim 1

However Hagiwara discloses in the embodiment shown in Fig. 6A where in the first unit is operable to transmit a first packet including a first length indicator toward the second unit (Transmission frame of length N is set to 3 blocks $N=3$, col 8 lines 42-43) , and wherein at least one of the second unit is operable to receive the first packet and then is operable to upon receipt of the first packet transmits a second packet including a second length indicator (for instance an ARQ return packets upon receipt of the transmission frame and determination that no error has been received, an ACK message accompanied by the block number of the correctly received block , therefore block number will determine length, will be sent to the transmission side, col 8 lines 24-27 and 53-55) .

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine said embodiments as disclosed in Hagiwara to provide an ARQ data transmission scheme in which the overhead due to the ARQ control data is reduced to resolve a throughput problem in the system.

The motivation to do so is to obtain a data transmission system that uses automatic repeat request for retransmission of data received with an error and overhead in due to ARQ control data is reduced improving the system performance.

Regarding claim 3, Hagiwara discloses units said being operable using a selective ARQ scheme (col 8 line 25).

Regarding claim 4, Hagiwara discloses the units continue to transmit and receive additional packets (sequential transmission of blocks , col 8 line 60)

Allowable Subject Matter

4. Claims 1, 9, 17-36, 38-71 are allowed.

Claims 5- 8, 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Conclusion

5. Arguments are moot based on the grounds for rejection.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

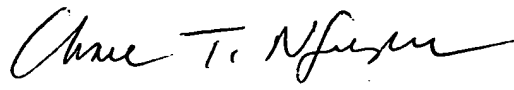
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on (571) 272-3126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 2, 2005

Ricardo M. Pizarro



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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